

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7112**

**BILL NUMBER:** SB 368

**NOTE PREPARED:** Jan 6, 2013

**BILL AMENDED:**

**SUBJECT:** Department of Toxicology Fees.

**FIRST AUTHOR:** Sen. Wyss

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**     **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Department of Toxicology Fees-* The bill allows the State Department of Toxicology (SDOT) to levy fees and deposit the fees into the Breath Test Training and Certification Fund.

*Transferred Funds-* The bill appropriates money transferred to the SDOT from Indiana University.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** *Department of Toxicology Fees-* The SDOT would likely be able to adopt rules to establish fees within the course of regular business. Revenues from the fees would be deposited into the Breath Test Training and Certification Fund.

Fees could be established for the following:

- (1) Certification and recertification of individuals who operate breath-testing equipment.
- (2) Maintenance, replacement, and purchase of instruments used at the state and local levels for breath testing.
- (3) Other training services and equipment purchases made by the Department of Toxicology.

*Transferred Funds-* This appropriation provision would allow the SDOT to use the funds transferred to SDOT from Indiana University when the SDOT became a separate government entity in 2011. The amount totals \$1.63 M. Money in this transfer would not revert to the state General Fund at the end of a state fiscal year. This provision would expire on December 31, 2015.

Background Information:

*Department of Toxicology-* The SDOT currently runs a certification program for breath testing. There are currently 5,163 breath-testing certifications. All certifications are held by state and local law enforcement officers. There were 2,033 recertifications in 2011 and 2,062 in 2012. The appropriation to the SDOT is \$4.19 M for the current biennium.

**Explanation of State Revenues:** *Department of Toxicology Fees-* The impact of fees on state revenues is indeterminable and would depend on the decision to impose fees the SDOT, the fee level established by the SDOT, and the number of persons that would file for certification. Fee revenue would be deposited in the Breath Test Training and Certification Fund.

**Explanation of Local Expenditures:** *Department of Toxicology Fees-* This provision could impact local expenditures to the extent that a local law enforcement agency pays for the certification of their law enforcement officers. Departments that do not cover certification fees for their officers should not be impacted by this provision.

**Explanation of Local Revenues:**

**State Agencies Affected:** SDOT.

**Local Agencies Affected:** Law enforcement agencies.

**Information Sources:** Teri Kendrick, Director, State Department of Toxicology; State Budget Agency; Auditor's database run 12/20/2012.

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